

Message Text

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TO AMEMBASSY TEHRAN PRIORITY

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TAGS: PFOR, SHUM, IR

SUBJECT: BILATERAL AGREEMENT ON BRIBERY

REF: TEHRAN 5357

FINAL TEXT OF BILATERAL JUDICIAL ASSISTANCE AGREEMENT BETWEEN AGENCIES OF GOI AND USG SIGNED JUNE 14, 1977 IS AS FOLLOWS: "AGREEMENT ON PROCEDURES FOR MUTUAL ASSISTANCE BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE AND THE MINISTRY OF JUSTICE OF IRAN IN CONNECTION WITH MATTERS RELATING TO THE LOCKHEED AIRCRAFT CORPORATION, GRUMMAN CORPORATION AND NORTHROP CORPORATION.

"THE UNITED STATES DEPARTMENT OF JUSTICE AND THE MINISTRY OF JUSTICE OF IRAN, HEREINAFTER REFERRED TO AS "THE PARTIES", CONFIRM THE FOLLOWING PROCEDURES IN REGARD TO MUTUAL ASSISTANCE TO BE RENDERED TO AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES IN THEIR RESPECTIVE COUNTRIES WITH RESPECT TO ALLEGED ILLICIT ACTS PERTAINING TO THE SALES
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ACTIVITIES IN IRAN OF THE LOCKHEED AIRCRAFT CORPORATION, GRUMMAN CORPORATION AND NORTHROP CORPORATION AND THEIR SUBSIDIARIES OR AFFILIATES:

"1. ALL REQUESTS FOR ASSISTANCE SHALL BE COMMUNICATED BETWEEN THE PARTIES THROUGH THE DIPLOMATIC CHANNEL, UNLESS OTHERWISE AGREED.

"2. UPON REQUEST, THE PARTIES SHALL USE THEIR BEST EFFORTS TO MAKE AVAILABLE TO EACH OTHER RELEVANT AND MATERIAL INFORMATION, SUCH AS STATEMENTS, DEPOSITIONS, DOCUMENTS, BUSINESS RECORDS, CORRESPONDENCE OR OTHER MATERIALS, AVAILABLE TO THEM CONCERNING ALLEGED ILLICIT ACTS PERTAINING TO THE SALES ACTIVITIES IN IRAN OF THE LOCKHEED AIRCRAFT CORPORATION, GRUMMAN CORPORATION AND NORTHROP CORPORATION AND THEIR SUBSIDIARIES OR AFFILIATES.

"3. SUCH INFORMATION SHALL BE USED EXCLUSIVELY FOR PURPOSES OF INVESTIGATION CONDUCTED BY AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES AND IN ENSUING CRIMINAL, CIVIL AND ADMINISTRATIVE PROCEEDINGS, HEREINAFTER REFERRED TO AS 'LEGAL PROCEEDINGS.'

"4. EXCEPT AS PROVIDED IN PARAGRAPH 5, ALL SUCH INFORMATION MADE AVAILABLE BY THE PARTIES PURSUANT TO THESE PROCEDURES, AND ALL CORRESPONDENCE BETWEEN THE PARTIES RELATING TO SUCH INFORMATION AND TO THE IMPLEMENTATION OF THESE PROCEDURES, SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO THIRD PARTIES OR TO GOVERNMENT AGENCIES HAVING NO LAW ENFORCEMENT RESPONSIBILITIES. DISCLOSURE TO OTHER AGENCIES HAVING LAW ENFORCEMENT RESPONSIBILITIES SHALL BE CONDITIONED ON THE RECIPIENT AGENCY'S ACCEPTANCE OF THE TERMS SET FORTH HEREIN.

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"IN THE EVENT OF BREACH OF CONFIDENTIALITY, THE OTHER PARTY MAY DISCONTINUE COOPERATION UNDER THESE PROCEDURES.

"5. INFORMATION MADE AVAILABLE PURSUANT TO THESE PROCEDURES MAY BE USED FREELY IN ENSUING LEGAL PROCEEDINGS IN THE REQUESTING STATE IN WHICH AN AGENCY HAVING LAW ENFORCEMENT RESPONSIBILITIES IS A PARTY, AND THE PARTIES SHALL USE THEIR BEST EFFORTS TO FURNISH THE INFORMATION FOR PURPOSES OF SUCH LEGAL PROCEEDINGS IN SUCH FORM AS TO RENDER IT ADMISSIBLE PURSUANT TO THE RULES OF EVIDENCE IN EXISTENCE IN THE REQUESTING STATE, INCLUDING, BUT NOT LIMITED TO, CERTIFICATIONS, AUTHENTICATIONS, AND SUCH OTHER ASSISTANCE AS MAY BE NECESSARY TO PROVIDE THE FOUNDATION FOR THE ADMISSIBILITY OF EVIDENCE.

"6. THE PARTIES SHALL GIVE ADVANCE NOTICE AND AFFORD AN OPPORTUNITY FOR CONSULTATION PRIOR TO THE USE, WITHIN THE MEANING OF PARAGRAPH 5, OF ANY INFORMATION MADE AVAILABLE PURSUANT TO THESE PROCEDURES.

"7. THE PARTIES SHALL USE THEIR BEST EFFORTS TO ASSIST

IN THE EXPEDITIOUS EXECUTION OF LETTERS ROGATORY ISSUED BY
THE JUDICIAL AUTHORITIES IN CONNECTION WITH ANY LEGAL PRO-

CEEDINGS WHICH MAY ENSUE IN THEIR RESPECTIVE COUNTRIES.

"8. THE ASSISTANCE TO BE RENDERED TO A REQUESTING STATE
SHALL NOT BE REQUIRED TO EXTEND TO SUCH ACTS AS MIGHT
RESULT IN THE IMMUNIZATION OF ANY PERSON FROM PROSECUTION
IN THE REQUESTED STATE.

"9. ALL ASSISTANCE BY A REQUESTED STATE WILL BE PER-
FORMED SUBJECT TO ALL LIMITATIONS IMPOSED BY ITS DOMESTIC
LAW. EXECUTION OF A REQUEST FOR ASSISTANCE MAY BE POST-
PONED, DENIED, OR MADE SUBJECT TO CONDITIONS TO BE AGREED
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UPON, IF EXECUTION WOULD INTERFERE WITH AN ONGOING INVESTI-
GATION OR LEGAL PROCEEDING IN THE REQUESTED STATE.

"10. NOTHING CONTAINED HEREIN SHALL LIMIT THE RIGHTS OF
THE PARTIES TO UTILIZE FOR ANY PURPOSE INFORMATION OBTAINED
INDEPENDENTLY OF THESE PROCEDURES.

"11. THE MUTUAL ASSISTANCE TO BE RENDERED BY THE PARTIES
PURSUANT TO THESE PROCEDURES IS DESIGNED SOLELY FOR THE
BENEFIT OF THEIR RESPECTIVE AGENCIES HAVING LAW ENFORCEMENT
RESPONSIBILITIES, AND IS NOT INTENDED TO BENEFIT THIRD
PARTIES OR TO AFFECT THE ADMISSIBILITY OF EVIDENCE UNDER
THE LAWS OF EITHER THE UNITED STATES OR IRAN.

"12. AN EXTENSION OF THE AGREEMENT TO SIMILAR CASES WHERE
INVESTIGATIONS ARE CONDUCTED OR CONTEMPLATED BY BOTH THE
UNITED STATES DEPARTMENT OF JUSTICE AND BY THE MINISTRY OF
JUSTICE OF IRAN COULD BE ACCOMPLISHED BY AN EXCHANGE OF
LETTERS BETWEEN THE PARTIES.

"DONE AT WASHINGTON, D.C., THIS 14TH DAY OF JUNE, 1977,
IN TWO ORIGINALS.

"FOR THE UNITED STATES DEPARTMENT OF JUSTICE: JOHN C.
KEENEY, DEPUTY ASSISTANT ATTORNEY GENERAL.

"FOR THE MINISTRY OF JUSTICE OF IRAN: KHOSROW GUILTY,
UNDERSECRETARY OF THE MINISTRY OF JUSTICE." VANCE

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